

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ROBERT BROWN and THE ESTATE OF	)	
BOBBI KRISTINA BROWN	)	
	)	
Plaintiffs	)	Action No.
	)	<u>1:17-cv-06824-AT</u>
v.	)	
	)	
	)	
TV ONE LLC, SWIRL RECORDING & FILM INC.	)	
D/B/A SWIRL FILMS, INC., TRACEY BAKER-	)	
SIMMONS, WANDA SHELLEY and B2	)	
ENTERTAINMENT LLC and SIMMONS SHELLEY	)	
ENTERTAINMENT, LLC.	)	
Defendants	)	

**AFFIDAVIT OF ROBERT BROWN**

I, Robert “Bobby” Brown (“Brown”) state under the pains and penalty of perjury:

1. I am the father of Bobbi Kristina Brown (“Bobbi Kristina” or “BKB”) and the ex-husband of Whitney Houston (“WH”) and a resident of the State of California.
2. In 2007, WH and I divorced and WH died in 2012.
3. BKB was killed in 2015. In 2016, the Estate of BKB and I obtained a judgment for wrongful death against Nick Gordon. The judgment is in excess of Thirty Million Dollars (\$30,000,000.00).
4. Defendant Tracey Baker-Simmons (“Simmons”) and Wanda Shelley (“Shelley”) are the former owners of B2 Entertainment LLC (“B2”).
5. Beginning on or about November 2016, the Defendants began the production of the movie about Bobbi Kristina Brown (“BKB”), Whitney Houston (“WH”) and Robert

Brown ("RB"). I never consented to the use of my name, persona or life in the Defendants movie.

6. Simmons and Shelly and Eric Tomosunas of Swirl Films Inc. are the producers of the movie about BKB and signed a contract with Tv One for the production and distribution of the movie.

7. In 2016, the Defendants utilized [www.breakdownexpress.com](http://www.breakdownexpress.com), a website where all union related movies and television shows seeking talent are posted. In November 2016, the Defendants circulated the following information for the casting of the about the BKB movie as follows:

Tuesday, Nov. 15, 2016, 6:03 PM  
Pacific  
BOBBI KRISTINA  
Movie for Television  
SAG-AFTRA  
TV ONE NETWORK

Producers: Tracey Baker-Simmons,  
Wanda Shelley, Eric Tomosunas,  
Keith Neal  
Director: TBD  
Writer: Rhonda F. Baraka  
Casting Directors: Leah Daniels-  
Butler, Kevin Scott, Jill Uyeda  
Casting Assistant: Gregory  
Kulhanjian  
Start Date: On or about January 9  
Location: Atlanta, GA

[**BOBBI KRISTINA "KRISSE" BROWN**] African American female, 18 to 21, beautiful, slender, sweet, tough and vulnerable, Krissi is the daughter of troubled mega-stars Whitney Houston and Bobby Brown. Extremely close to her mother, especially in the aftermath of her divorce from Brown, Krissi was frequently the caretaker of her substance-abusing mother. Despite some typical teenage rebellion against her mom, Krissi adored her and knew that she was loved in return. Inconsolable after Whitney's tragic, untimely death, Krissi is devastated and needy, and winds up turning for the love she craves to Nick Gordon, the formerly homeless young man taken in by Whitney and raised as Krissi's sibling. Lost and desperate, self-destructive but not without ambition, struggling with a substance abuse problem of her own, Krissi tries to create a career and a life for herself, but she's constantly tripped up by her love for the abusive, violent Nick, who manipulates her into a relationship. Despite solid love and support from her mother's family, Krissi can't seem to recover from the tragedy that destroys her life...LEAD (2)

[**NICK GORDON**] African American male, 18 to 20, handsome, self-serving, manipulative, Nick was raised by Whitney alongside her biological daughter, Krissi, and had a brother/sister relationship with Krissi as they grew up. Furious when he's left out of Whitney's will, Nick aggressively inserts himself into Krissi's life, taking control of her finances and spending her inherited money freely, while giving her a pittance to live on. Nick becomes increasingly overbearing, violent and abusive towards Krissi, keeping her drug-addled and needy, correctly assuming that her desperate love for him would keep her coming back, despite the mess he makes of her life, her career and her health...LEAD (3)

[**WHITNEY HOUSTON**] Mid 30's, African American female, beautiful, charismatic, extremely talented, deeply troubled, an American musical icon from an early age, Whitney is seen at various stages of her life with her daughter, Krissi, by her husband Bobby Brown. Though there are moments of joy and happiness with the three of them, there are more times of violence and abuse between Whitney and Bobby, with little Krissi a frightened onlooker. Despite the drug and alcohol abuse that makes her a poor parent and a tragic figure, Whitney loves her daughter and does her best to express her love and support when she can...LEAD (1)

[**PAT HOUSTON**] Female, 40's, African American, confident, strong, powerful, smart, warm, clear-sighted, Pat is Whitney Houston's sister-in-law (married to Whitney's brother, Gary), confidante and manager. Pat works very hard after Whitney's death to be supportive of her niece, Whitney's daughter Krissi, not only personally, but as a manager as well, getting Krissi her own reality show. Like the rest of the family, Pat is well aware that Nick Gordon is a destructive influence on Krissi, but despite her intervention, Pat can do nothing to change Krissi's mind and feelings about Nick...LEAD (3)

[**BOBBY BROWN**] Early 30's, male, African American, a talented and well-known singer, Bobby is married to Whitney Houston and is the father of their daughter, Bobby Kristina, aka Krissi. Bobby has moments of a healthy and joyful relationship with his family, but he's a hard drug user and soon devolves into violence and abuse towards his wife. After Whitney's death, Bobby moves on to another wife and children, and only briefly appears to have dinner with the devastated and needy Krissi, towards whom he is affectionate but non-committal...SUPPORTING (11)

STORY LINE: This is the true story of BOBBI KRISTINA "KRISSI" BROWN, the daughter of WHITNEY HOUSTON and BOBBY BROWN, whose devastation after her beloved mother's death causes her to follow a tragically similar trajectory...

8. In 2017, the Defendants released pictures of the members of the cast of the BKB movie which included a picture of an actor playing me, two girls playing BKB and a women depicting WH. The pictures appear as Exhibit A to the Amended Complaint.

9. The Defendants began production of the movie about BKB, myself, WH and NG in January- May 2017. During the same time frame, my representative's communicated with Defendants and requested that they cease and desist the production of the movie as it violated my rights.

10. The Defendants continued to produce the movie and completed the movie. On or about April 2017, the Defendants began promoting the film about my daughter and I. Defendants have marketed and promoted the movie in New York City and New York State.

11. The movie has not aired as of yet.

12. The Defendants knowingly and maliciously used my persona and my life in the movie and promotion of the BKB movie without my consent.

13. Upon information and belief, the Defendants' BKB movie contains defamatory and untrue depictions of me being violent towards WH.

14. Upon information and belief, the Defendants' movie contains defamatory untrue depictions of myself having dinner with BKB and scenes suggesting that RB does not love his daughter or is committed to his daughter.

15. The Defendants' depiction of me in the breakdown is untrue.

16. The depictions of me are knowingly false and recklessly presented for the financial gain of the Defendants and others.

17. The Defendants have begun to promote the film in violation of my rights and knowingly intend to depict a false story about me.

18. In February 2017, my representatives requested that TV One provide a copy of the script but it was never provided to me. I also requested to screen the film however, TV One declined.

19. My right of publicity prevents the use of my name, image, likeness, or my persona for commercial gain without my permission. I am an international recording star, author and I have appeared in several movies. I am a member of the group “New Edition” and earlier this year, we received a star on the Hollywood Walk of Fame. As a member of New Edition and as a solo artist, I have sold millions of albums.

20. The Defendants have violated my rights and knew that I did not consent to the movie. I also has a contract with Black Entertainment Television (“BET”) associated with a movie about my life and I do not have a contract with TV-One to have aspects of my life appear in a movie.

21. The Defendants’ have violated my rights to publicity. Upon review of the likeness of me at Exhibit B to the Amended Complaint and the pictures of me at Exhibit A to my affidavit, you can see the clear intent of the defendants to use my likeness and persona, and their attempt to copy the “gap” between my teeth for their depiction of me in the movie.

22. All the Defendants, especially Simmons and Shelley, are keenly aware that intellectual property about me, WH and BKB, are very valuable and of interest to the public.

23. In 2004, through my company Brownhouse Entertainment, Inc. (“Brownhouse”) (dissolved), and Shelley/Simmons through their company B2 Entertainment Inc. (“B2”) (dissolved), signed an agreement for the creation of the television series, “Being Bobby Brown”. The show aired on Bravo for one season.

24. Pursuant to the agreement between B2 and Brownhouse, Brown, Shelley and Simmons agreed not to use any materials associated with Brown’s family friends or employers without his consent in tv or film projects. Section 2(b) and section 6 on the Agreement reads as follows:

Section 2 (b) on the Contract

b. By Brownhouse:

i. Brownhouse shall lend the services of Artist, and Artist shall perform on-camera talent services on an exclusive basis during all periods of production and Artist shall undertake no services that would materially interfere with Artist’s services hereunder. Artist grants to Company the right to use, film, tape and otherwise record events relating to or occurring in Artist’s life and portions of Artist’s life story including without limitation any relationships with family, friends, employers and the like during and after all phases of production of the Project, so that Company can produce episodes of the Project, and so that Company can distribute, exhibit and/or otherwise use the Project and/or other works, productions and materials based thereon.

6. Confidentiality: Except where required by

law, both parties shall keep confidential the Project and any ideas, concepts, stories plots, themes or other material related to the Project unless express written consent is provided by the parties. Neither party shall: circumvent the other's role and anticipated financial compensation in connection with the Project or other unscripted television programs; negotiate a side deal with any third party in the which does not include the other party; or any way attempt to circumvent the spirit and intent of this Agreement.

See Exhibit C to the Amended Complaint.

25. The Defendants have taken information Simmons and Shelley obtained while working with me on "Being Bobby Brown" and have utilized the material in the film. This includes information about WH, BKB and myself. Shelly and Simmons have circumvented the spirit and intent of the Agreement. They never were to use the information obtained while shooting "Being Bobby Brown" for their own gain, which is exactly what they are doing with the BKB movie.

26. The Defendants have not obtained my consent of in the creation of the film about BKB which depicts my life.

27. In violation of the Agreement, Shelley and Simmons have (1) circumvented Brown's role (2) have negotiated a side deal with a third party to make the BKB project with includes information obtained and associated with the show "Being Bobby Brown" and (3) circumvented the spirit and intent of the Agreement in violation of paragraph 6 of the Agreement.

28. My company performed their obligations under the Agreement. B2, Shelley and Simmons have partnered with the other Defendants in violation of the agreement reached in 2004.

**BOBBI KRISTINA BROWN**

29. Upon review of Exhibit A to the Amended Complaint, you will see that the Defendants are using the name and likeness of BKB for the promotion of the BKB movie and the creation of the movie.

30. The Defendants never obtained the permission of the Estate of BKB for the use the name and likeness of my deceased daughter.

31. The Defendants and their agents are marketing that BKB film as if our family has approved this film and know the contents of the BKB film and approve of the film. See Exhibit A to the Affidavit of Alicia Brown.

32. The Defendants are marketing this film in a manner that makes the public confused as to the origins of the film and that the Estate of BKB and myself sponsor, endorse or approve the film. The Estate of BKB (I am the only heir) and I do not approve of this film and were not involved in the making of the BKB movie.



33. The Defendants have no right to use the name and likeness of myself or my daughter.

Signed Under The Pains and Penalty of Perjury

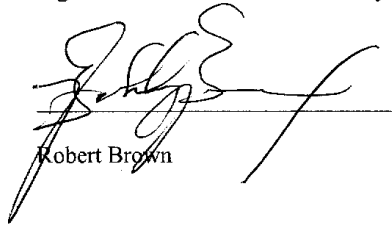
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Robert Brown

Dated: September 18, 2017

33. The Defendants have no right to use the name and likeness of myself or my daughter.

Signed Under The Pains and Penalty of Perjury

A handwritten signature in black ink, appearing to read 'Robert Brown', is written over a horizontal line. The signature is stylized with a large, looped 'R' and a long, sweeping horizontal stroke that extends to the right.

Dated: September 18, 2017

# EXHIBIT A

